



NEW MEXICO
ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau
1190 Saint Francis Drive / PO Box 5469
Santa Fe, NM 87502-5469
Phone (505) 827-2900 Fax (505) 827-2965
www.env.nm.gov



Draft: May 19, 2021

GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT
Issued under 20.6.2 NMAC

Facility Name: Holloman Air Force Base, FT-31 Petroleum Contaminated
Soil Land Farm

Discharge Permit Number: DP-1446

Facility Location: Holloman Air Force Base, Highway 70
Alamogordo, NM

County: Otero

Permittee: Holloman Air Force Base

Mailing Address: P.O. Box 2000
Holloman Air Force Base, NM 88330

Facility Contact: Col. Joseph L. Campo, 49th Wing Commander

Telephone Number/Email: 575-572-7381

Permitting Action: Renewal

Permit Issuance Date: DATE

Permit Expiration Date: DATE

NMED Permit Contact: Melanie Sandoval

Telephone Number/Email: 505-660-7892/melanie.sandoval2@state.nm.us

MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	FINDINGS.....	2
III.	AUTHORIZATION TO DISCHARGE	3
IV.	CONDITIONS	3
	A. OPERATIONAL PLAN	3
	Operational Actions with Implementation Deadlines.....	4
	Operating Conditions.....	4
	B. MONITORING AND REPORTING	8
	Due Dates for Monitoring Reports	8
	Groundwater Monitoring Conditions.....	8
	Facility Monitoring Conditions	10
	C. CONTINGENCY PLAN	12
	D. CLOSURE PLAN.....	17
	Closure Actions with Implementation Deadlines.....	17
	Permanent Facility Closure Conditions.....	21
	E. GENERAL TERMS AND CONDITIONS	23

ATTACHMENTS

Discharge Permit Summary

New Mexico Environment Department Ground Water Quality Bureau Monitoring Well
Construction and Abandonment Guidelines, Revision 1.1, March 2011 (Monitoring
Well Guidance)

Surface Disposal Data Sheet (SDDS-Septage/Sludge -
<https://www.env.nm.gov/gwb/forms.htm>)

DRAFT: DATE

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal (Discharge Permit or DP-1446) to the Holloman Air Force Base (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Holloman Air Force Base, FT-31 Petroleum Contaminated Soil Land Farm (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics.

The Permittee receives up to 10,000 cubic yards (cy) of petroleum contaminated soil per lift and a total maximum of 150,000 cy per year that discharges to 16 cells with an interior berm size of 270,000 square feet for remediation and surface disposal.

The discharge may contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC and is not subject to the exemption at Subsection 20.6.2.3105.A NMAC.

The Facility is located at Holloman Air Force Base, in Sections 11, 14 and 15, Township 17S, Range 08E, in Otero County. A discharge at the Facility is most likely to affect groundwater at a depth of approximately 18-20 feet and having a pre-discharge total dissolved solids (TDS) concentration of approximately 1,900-30,900 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on March 11, 2004 and subsequently renewed and modified the Permit on November 6, 2009. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated August 4, 2020 and materials contained in the administrative record prior to issuance of this Discharge Permit.

The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a Discharge Permit modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by the department that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and human health. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

NMED issuance of this Discharge Permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
BOD ₅	biochemical oxygen demand (5-day)	NMSA	New Mexico Statutes Annotated
CAP	Corrective Action Plan	NO ₃ -N	nitrate-nitrogen
CFR	Code of Federal Regulations	NTU	nephelometric turbidity units
CFU	colony forming unit	QA/QC	Quality Assurance/Quality Control
Cl	chloride	SDDS	Surface Disposal Data Sheet
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO ₃ -N
mg/L	milligrams per liter	TRC	total residual chlorine
mL	milliliters	TSS	total suspended solids
MPN	most probable number	WQA	New Mexico Water Quality Act
NMAC	New Mexico Administrative Code	WQCC	Water Quality Control Commission
NMED	New Mexico Environment Department	WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

DRAFT: DATE

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
2. The Permittee is discharging effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Sections 20.6.2.3000 through 20.6.2.3114 NMAC.
3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

The Permittee is responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the Permittee to receive and treat up to 10,000 cy of petroleum contaminated soil per lift and a total maximum of 150,000 cy per year that discharges to 16 cells that are filled one at a time with 12 inch lifts of soil and with an interior berm size of 270,000 square feet for remediation and surface disposal.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection D of 20.6.2.3109 NMAC]

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	Terms and Conditions
1.	The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

DRAFT: DATE***Operational Actions with Implementation Deadlines***

#	Terms and Conditions
3.	<p>Prior to discharging to the landfarm, the Permittee shall install and maintain a 24-inch earthen berm surrounding the perimeter of the Facility to prevent run-on and run-off from a 25-year storm event. In addition, the Permittee shall construct and maintain shallow (minimum depth of six inches) storm water diversion bar trenches parallel to and on each side of the site entrance gate. The Permittee shall inspect the berms on a regular basis and after any major rainfall event and repair the berms as necessary. The Permittee shall submit to NMED, documentation of berm installation that consists of a narrative statement describing the berm locations and date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report.</p> <p>The Permittee shall keep a log of the berm inspections that includes the date of inspection, any findings, and the name of the person performing the inspection. The Permittee shall maintain these logs at the Facility office and make the logs available for NMED review upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

Operating Conditions

#	Terms and Conditions
4.	<p>The Permittee shall maintain the following signs at the following locations:</p> <ul style="list-style-type: none">• Signs posted at the Facility entrance and every 500 feet along the Facility boundary that state: "Notice: Waste Disposal Area - KEEP OUT" and "Aviso: Área de Disposición - NO ENTRAR".• A sign posted at the entrance gate with the following information:<ul style="list-style-type: none">○ the name of the Facility,○ the name of a Facility contact person,○ the office phone number of the contact person,○ the emergency contact phone number for the Facility, and○ New Mexico Environment Department, Discharge Permit #1446 – dial 505-827-2900.• A sign to identify each row of cells identifying the cell number and waste type. <p>These signs shall be weatherproof. The Permittee shall maintain signs to serve their purpose for the term of this Discharge Permit.</p>

DRAFT: DATE

#	Terms and Conditions
	[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
5.	<p>The Permittee shall maintain fences around the entire disposal Facility to prevent unrestricted access. The fences shall consist of a minimum of six-foot chain link or three-strand barbed wire fence or field fencing and locking gates. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
6.	<p>The Permittee is authorized to receive waste for the remediation of Environmental Restoration Program clean-up sites on Holloman Air Force Base. This Discharge Permit does not authorize the Permittee to receive waste from other facilities or haulers.</p> <p>[20.6.2.3109 NMAC]</p>
7.	<p>The Permittee shall only discharge hydrocarbon-contaminated soil when there is an attendant on duty unless the Permittee can monitor or inspect the loads prior to disposal.</p> <p>[20.6.2.3109 NMAC]</p>
8.	<p>The Permittee shall inspect the Facility weekly and collect any residual solid waste (trash) on the Facility site. The Permittee shall dispose of the collected materials in a manner consistent with all local, state, and federal regulations.</p> <p>The Permittee shall maintain a log of inspection findings at the Facility office and make the logs available to a NMED representative upon request.</p> <p>[20.6.2.3109 NMAC]</p>
9.	<p>The Permittee shall not discharge hydrocarbon-contaminated soil to any of the surface disposal cells during periods of precipitation or when surface soils are frozen or saturated. The Permittee may store wastes in open bed trucks during periods of wet weather, low evaporation, or when surface soils are frozen or saturated. The Permittee shall remove freestanding water within 24 hours.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections B and C of 20.6.2.3109 NMAC]</p>
10.	<p>The Permittee shall not accept soils with anything other than gasoline, diesel/fuel oil, waste oil or jet fuel. The Permittee shall not accept hazardous waste at the Facility.</p> <p>The Permittee shall reject any waste reasonably suspected of containing hazardous waste, due to its origin, characteristic, or other known factors, or analyze the waste using</p>

DRAFT: DATE

#	Terms and Conditions
	<p>EPA's sample preparation Method 1311, the Toxicity Characteristics Leaching Procedure (TCLP), in accordance with 40 CFR §261.24. The Permittee shall reject any waste determined to be a hazardous waste and return the waste to the generator.</p> <p>The Permittee shall document all hazardous waste determinations and shall permanently retain these documents at the Facility Office and shall make them available to a NMED representative upon request.</p> <p>[NMSA 1978, § 74-6-5.D, 20.6.2.3107 NMAC, Subsections B and C of 20.6.2.3109 NMAC]</p>
11.	<p>The Permittee shall not accept hydrocarbon contaminated soil that does not pass the Paint Filter Liquids Test for disposal at the Facility. The Permittee shall analyze any soils suspected of containing a measurable amount of non-aqueous phase liquid, using EPA Method 9095, the Paint Filter Liquids Test. The Permittee shall reject any waste that does not pass the test and return the waste to the generator.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>
12.	<p>The Permittee shall not accept wastes generated from oil and natural gas exploration or production activities. The Oil Conservation Division regulates such wastes as described by the WQCC Delegation of Responsibility to the Environmental Improvement Division and the Oil Conservation Division.</p> <p>[NMSA 1978, § 74-6-4.F]</p>
13.	<p>The Permittee shall ensure a manifest accompanies each load of waste received and disposed of at the Facility. The Permittee shall ensure each manifest includes the following information:</p> <ul style="list-style-type: none"> • name of the hauling company; • name of the driver; • date of waste shipment receipt; • name and address of the waste origin; • media type (differentiate between soil, water, or tank bottoms); • description of contamination (e.g., diesel, gasoline, used oil, solvents) • volume of waste shipment (cubic yards or gallons); • confirmation of inspection for acceptable waste type; • signature of person conducting the inspection; and • cell identification and location within the cell where the Permittee discharges the waste.

DRAFT: DATE

#	Terms and Conditions						
	<p>The Permittee shall maintain the manifests at the Facility office. The Permittee shall make the manifests available for inspection by NMED upon request. The Permittee shall submit a summary listing the information from each manifest for wastes received during the reporting period to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, NMSA 1978, § 74-6-5.D]</p>						
14.	<p>Within 72 hours of receipt, the Permittee shall land apply the hydrocarbon-contaminated soils in lifts of twelve inches or less (approximately 1,000 cubic yards per acre) and incorporate the contaminated soil by disking. The Permittee shall disk the contaminated soil lifts at least once every 14 days until analytical results indicate that the Permittee has remediated the soil to the standards required by this Discharge Permit. The Permittee shall not add additional soil to a remediation cell until the Permittee confirms the complete remediation of the existing lift by laboratory analysis.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>						
15.	<p>The Permittee is authorized to mix either domestic septage or domestic wastewater treatment plant sludge with hydrocarbon contaminated soil to moisten soils in the remediation cells to enhance remediation and reduce dust. The Permittee shall mix the domestic septage or domestic wastewater treatment plant sludge such that the amount of total nitrogen applied with the waste does not exceed 200 pounds per acre per year. The Permittee shall not adjust nitrogen content to account for volatilization or mineralization processes. The Permittee shall perform the waste characterization monitoring and prepare a Surface Disposal Data Sheet (SDDS) for NO₃-N and TKN as described below in the appropriate section corresponding to the waste type added to each soil remediation cell. The Permittee shall also add NO₃-N and TKN constituents to the analyses for the soil sampling required below for hydrocarbon contaminated soil.</p> <p>The Permittee shall not apply either domestic septage or domestic wastewater treatment plant sludge to saturated soil, or in a manner which causes ponding in the remediation cells. The Permittee shall not apply either domestic septage or domestic wastewater treatment plant sludge to areas outside of the remediation cells.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC]</p>						
16.	<p>The Permittee shall remediate hydrocarbon-contaminated soil to the following standards:</p> <table border="1"> <tr> <th>Chemical Constituent</th><th>Remediation Standard (mg/kg)</th></tr> <tr> <td>Total Petroleum Hydrocarbons (TPH)</td><td>1000</td></tr> <tr> <td>BTEX</td><td></td></tr> </table>	Chemical Constituent	Remediation Standard (mg/kg)	Total Petroleum Hydrocarbons (TPH)	1000	BTEX	
Chemical Constituent	Remediation Standard (mg/kg)						
Total Petroleum Hydrocarbons (TPH)	1000						
BTEX							

DRAFT: DATE

#	Terms and Conditions	
	Benzene	17.8
	Toluene	5,230
	Ethylbenzene	75.1
	Xylenes	871
	[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]	
17.	The Permittee shall not add amendments to the contaminated soil, such as proprietary microorganisms or fertilizer, without prior written approval by NMED.	
	[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]	

B. MONITORING AND REPORTING

#	Terms and Conditions
18.	The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
19.	METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC. [Subsection B of 20.6.2.3107 NMAC]
20.	Semi-annual monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates: <ul style="list-style-type: none"> January 1st through June 30th – due by August 1st; and July 1st through December 31st – due by February 1st. [Subsection A of 20.6.2.3107 NMAC]

Groundwater Monitoring Conditions

#	Terms and Conditions
21.	The Permittee shall perform semi-annual groundwater sampling in the following groundwater monitoring wells and analyze the samples for TPH, BTEX, TKN, NO ₃ -N, TDS and Cl.

DRAFT: DATE

#	Terms and Conditions
	<p>a) LM-01, located hydrologically downgradient and south of the landfarm. b) LM-02, located hydrologically downgradient and south of the landfarm. c) LM-04, located hydrologically downgradient and east of the landfarm. d) LM-05, located hydrologically downgradient and southeast of the landfarm. e) LM-06, located hydrologically upgradient of the Facility.</p> <p>The Permittee shall perform groundwater sample collection, preservation, transport and analysis according to the following procedures.</p> <p>a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest one-hundredth of a foot. b) Purge three well volumes of water from the well prior to sample collection. c) Obtain samples from the well for analysis. d) Properly prepare, preserve and transport samples. e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</p> <p>The Permittee shall submit the depth-to-most-shallow groundwater measurements and the laboratory analytical data results including the laboratory QA/QC summary report for each well, and a Facility layout map showing the location and number of each well to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
22.	<p>The Permittee shall develop a groundwater elevation contour map, i.e., potentiometric surface map, on a semi-annual basis using the top of casing elevation data from the monitoring well survey and semi-annual the most recent depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained during the groundwater sampling required by this Discharge Permit.</p> <p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. The Permittee shall estimate groundwater elevations between monitoring well locations using common interpolation methods. The Permittee shall use a contour interval appropriate to the data but shall not be greater than two feet. Groundwater elevation contour maps shall use arrows to depict the groundwater flow direction based on the orientation of the groundwater elevation contours and shall locate and identify each monitoring well and contaminant source.</p> <p>The Permittee shall submit to NMED a groundwater elevation contour map in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

DRAFT: DATE

#	Terms and Conditions
23.	<p>NMED shall have the option to perform downhole inspections of all groundwater monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the Permittee by certified mail. The Permittee shall remove any existing dedicated pumps at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should the Permittee decide to install a pump in a monitoring well without a dedicated pump, the Permittee shall notify NMED at least 90 days prior to pump installation so that NMED can schedule a downhole well inspection(s) prior to pump placement.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

Facility Monitoring Conditions

#	Terms and Conditions
24.	<p>The Permittee shall maintain a monthly log detailing wastes discharged to the Facility. The Permittee shall ensure the log includes the following information:</p> <ul style="list-style-type: none"> • date of receipt; • origin of waste; • media (differentiate between soil or water); • description of contamination (e.g., diesel, gasoline, used oil, solvents); • volume of waste (cubic yards or gallons); and • cell identification and location within the cell where Permittee has discharged the waste. <p>The Permittee shall submit copies of the monthly logs to NMED in the semi-annual monitoring reports.</p> <p>[20.6.2.3107 NMAC]</p>
25.	<p>Prior to opening a new landfarm cell, the Permittee shall take a minimum of one composite background soil sample consisting of 16 discrete samples taken from at least six inches below the original ground surface for every two acres to establish background concentrations using the following methodologies approved by NMED:</p> <ul style="list-style-type: none"> • TPH using EPA SW-846 method 8015; • BTEX using EPA SW-846 methods 8021 or 8260; • PAHs using EPA SW-846 methods 8270 or 8310; • MTBE using EPA SW-846 method 8260 and

DRAFT: DATE

#	Terms and Conditions
	<ul style="list-style-type: none"> the remaining constituents listed in Subsections A and B of 20.6.2.3103 NMAC by appropriate EPA methods. <p>Prior to adding additional twelve-inch lifts for pre-existing disposal cells, the Permittee shall sample and analyze as above once for every five acres of disposal area just outside and evenly spaced around the perimeter of the area where the Permittee has applied waste.</p> <p>The Permittee shall submit a description of the remediation demonstration, a copy of the laboratory analytical results that includes the laboratory QA/QC summary report, and a map outlining the sampling locations to NMED in the semi-annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109]</p>
26.	<p><u>Treatment Zone monitoring:</u> Prior to adding additional twelve-inch lifts, the Permittee shall demonstrate soil remediation completion to the standards listed in this Discharge Permit. To make this demonstration, the Permittee shall collect a composite soil sample consisting of four discrete samples taken from the treatment zone for each landfarm treatment cell semi-annually for TPH using EPA SW-846 method 8015.</p> <p>The Permittee shall submit a description of the remediation demonstration, a copy of the laboratory analytical results that includes the laboratory QA/QC summary report, and a map outlining the sampling locations to NMED in the semi-annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109]</p>
27.	<p>The Permittee shall conduct Vadose zone monitoring on an annual basis. The Permittee shall collect vadose zone monitoring (from three to four feet below the cell's original ground surface). The Permittee shall analyze a minimum of four randomly selected grab samples for:</p> <ul style="list-style-type: none"> TPH using EPA SW-846 method 8015; BTEX using EPA SW-846 methods 8021 or 8260. <p>The Permittee shall submit analytical results and a map outlining the sampling locations to NMED as part of the semi-annual monitoring reports due August 1st of each year.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109]</p>
28.	<p>The Permittee shall conduct Vadose zone monitoring once during the third year of this Permit, by (Date). The Permittee shall collect vadose zone monitoring (from three to</p>

DRAFT: DATE

#	Terms and Conditions
	<p>four feet below the cell's original ground surface). The Permittee shall analyze a minimum of four randomly selected grab samples for constituents listed in Subsections A and B of 20.6.2.3103 NMAC.</p> <p>The Permittee shall submit analytical results and a map outlining the sampling locations to NMED as part of the semi-annual monitoring report due on August 1, 2024.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC, Subsection H of 20.6.2.3109]</p>
29.	<p>The Permittee shall complete SDDS (copy enclosed) on a monthly basis that document the amount of either domestic septage or domestic wastewater treatment plant sludge applied to the hydrocarbon contaminated soil. The SDDS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to the hydrocarbon contaminated soil for each month. The Permittee shall complete the SDDS with the information above or include a statement that the discharge of treated wastewater did not occur. The Permittee shall submit the SDDS to NMED in the subsequent semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

C. CONTINGENCY PLAN

#	Terms and Conditions
30.	<p>In the event that groundwater monitoring indicates that groundwater exceeds a standard identified in Section 20.6.2.3103 NMAC, the Permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.</p> <p>Within 60 days of confirmation of groundwater contamination, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED.</p> <p>Once this groundwater exceedance response condition is invoked whether during the term of this Discharge Permit or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements, this condition shall apply until the Permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly samples that groundwater does not exceed the standards of Section 20.6.2.3103 NMAC.</p>

DRAFT: DATE

#	Terms and Conditions
	<p>Violation of the groundwater standard beyond 180 days after the confirmation of groundwater contamination may cause NMED to require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
31.	<p>In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attachment titled (Monitoring Well Guidance); contains insufficient water to effectively monitor groundwater quality; or is otherwise not completed in a manner that is protective of groundwater quality, the Permittee shall install a replacement well(s) within 120 days following notification from NMED.</p> <p>The Permittee shall survey the replacement monitoring well(s) within 30 days following well completion.</p> <p>The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the attached Monitoring Well Guidance. The Permittee shall submit well construction and lithologic logs survey data and a groundwater elevation contour map to NMED within 60 days following well completion.</p> <p>The Permittee shall properly plug and abandon a monitoring well requiring replacement upon completion of the replacement monitoring well. The Permittee shall complete the well plugging and abandonment, and shall document the abandonment procedures, in accordance with the attached Monitoring Well Guidance and all applicable local, state, and federal regulations. The Permittee shall submit a copy of the well abandonment documentation to NMED within 60 days following the replacement well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
32.	<p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not appropriately located, e.g., hydrologically downgradient of the discharge location it is intended to monitor, the Permittee shall install a replacement well within 120 days following notification from NMED. The Permittee shall survey the replacement monitoring well within 30 days following well completion.</p> <p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not appropriately located, e.g., hydrologically</p>

DRAFT: DATE

#	Terms and Conditions
	<p>downgradient of the discharge location it is intended to monitor, the Permittee shall install a replacement well within 120 days following notification from NMED. The Permittee shall survey the replacement monitoring well within 30 days following well completion.</p> <p>The Permittee shall install replacement wells at locations approved by NMED prior to installation and shall complete replacement wells in accordance with the attachment Monitoring Well Guidance. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 60 days following well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
33.	<p>In the event that the SDDS show that the amount of either domestic septage or domestic wastewater treatment plant sludge applied in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the hydrocarbon contaminated soil by submitting a CAP to NMED for approval. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and submit the CAP within 90 days following the end of the monitoring period in which the exceedance occurred. The Permittee shall implement the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
34.	<p>If the Permittee cannot meet the soil remediation standards set forth in this Discharge Permit within five years of ceasing to add contaminated soil to a cell, the Permittee shall submit a CAP to NMED within 45 days of receipt of the fifth year's analytical results.</p> <p>The Permittee shall implement the CAP as approved by NMED.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection B and C of 20.6.2.3109 NMAC, Subsection A of 20.6.2.3107 NMAC]</p>
35.	<p>In the event that analytical results of a vadose zone sample indicate an exceedance of TPH, BTEX or constituents listed in Subsections A and B of 20.6.2.3103 NMAC exceed either the higher of the practical quantitation limit (PQL) or the background soil concentrations, the Permittee shall immediately notify NMED and collect a sample (from three to four feet below the cell's original ground surface) and analyze a minimum of four randomly selected independent samples for TPH, BTEX, and constituents listed in Subsections A and B of 20.6.2.3103 NMAC. In the event the second sample results indicate an exceedance of TPH, BTEX or constituents listed in Subsections A and B of 20.6.2.3103 NMAC, the Permittee shall implement the following contingencies.</p>

DRAFT: DATE

#	Terms and Conditions
	<p>a) Within 7 days of the second sample analysis date an indicating exceedance, the Permittee shall:</p> <ul style="list-style-type: none"> i) notify NMED that the Permittee is implementing the Contingency Plan; and ii) submit a copy of the first and second analytical results indicating an exceedance to NMED. <p>b) The Permittee shall increase the frequency of sampling and analysis of a vadose zone sample to once per month.</p> <p>c) The Permittee shall examine the operation and maintenance log, required by the Record Keeping conditions of this Discharge Permit, for improper operational procedures.</p> <p>d) The Permittee shall conduct a physical inspection of the cells to detect abnormalities. The Permittee shall correct any abnormalities discovered. The Permittee shall submit a report to NMED detailing the corrections within 30 days of correction.</p> <p>e) In the event that any analytical results from a vadose zone sample indicate an exceedance of TPH or BTEX, the Permittee shall submit a CAP to NMED for approval proposing to modify operational procedures to achieve the TPH or BTEX limit. The Permittee shall submit the CAP including a schedule for completion of corrective actions and within 90 days of receipt of the analytical results of the second sample indicating that the Permittee continues to exceed the discharge limit. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>When analytical results from three consecutive months of vadose zone sampling do not exceed the discharge limit, the Permittee may request NMED authorize a return to an annual monitoring frequency.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
36.	<p>In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a “spill”), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ul style="list-style-type: none"> a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility. b) The name and address of the Facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge.

DRAFT: DATE

#	Terms and Conditions
	<p>e) A description of the unauthorized discharge, including its estimated chemical composition.</p> <p>f) The estimated volume of the unauthorized discharge.</p> <p>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</p> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a Corrective Action Plan (CAP) to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <p>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</p> <p>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</p> <p>c) A schedule for completion of proposed actions.</p> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
37.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

DRAFT: DATE

D. CLOSURE PLAN***Closure Actions with Implementation Deadlines***

#	Terms and Conditions
38.	<p>Within nine (9) months of the issuance date of this Discharge Permit (by DATE), the Permittee shall submit a detailed closure plan for NMED's approval to prevent the exceedance of standards of 20.6.2.3103 NMAC in groundwater after the cessation of operation. The closure plan shall include: a description of closure measures, maintenance and monitoring plans, post-closure maintenance and monitoring plans, and other measures necessary to prevent or abate such contamination, e.g., a corrective action plan.</p> <p>The Permittee shall ensure that the closure plan sufficiently addresses the steps necessary to close the remediation and surface disposal cells. Further, the detailed closure plan shall address sludge de-watering (as necessary), characterization of wastes to be disposed on-site and off-site, restoration of vegetation, and ongoing maintenance for all remediation and surface disposal cells any other wastewater related infrastructure, all post-closure activities, and the plugging and abandonment of monitoring wells.</p> <p>The Permittee shall ensure that the closure plan addresses all necessary corrective action, that at a minimum addresses actions to delineate the nature and extent of any groundwater contamination, contaminant source control measures, and any actions to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101 as approved by NMED.</p> <p>The Permittee shall ensure that the closure plan addresses post-closure care, including the continued groundwater monitoring required under the Discharge Permit. NMED considers all closure and post-closure activities "complete closure."</p> <p>The Permittee shall ensure the closure plan has sufficient detail to estimate the cost of complete closure of all wastewater related infrastructure, post-closure monitoring, and all necessary corrective actions for the purpose of establishing and maintaining financial assurance. The detailed closure plan shall provide sufficient detail to estimate the cost of operation and maintenance of the groundwater monitoring system. Inherent in this detail is an estimate of the time (after the cessation of Facility operation) that the groundwater monitoring system will have to remain in place and in operation, i.e., until WQCC groundwater standards have been met for at least eight consecutive quarters.</p> <p>[Subsection A of 20.6.2.3107]</p>

DRAFT: DATE

#	Terms and Conditions
39.	<p>Within 90 days from the date of NMED's approval of the closure plan, the Permittee shall submit a detailed cost estimate (Estimate) for NMED's approval based on the detailed closure plan for complete closure required by Condition 37. The Estimate shall be based on the cost of hiring a third party to conduct complete closure. The Estimate shall include direct costs associated with third-party implementation of the closure plan, contingency costs in the amount of 15 percent of the direct costs, the cost of an independent project manager and contract administration, and NMED oversight and administration costs, including indirect costs. The Estimate shall forecast the worst-case scenario for complete closure over the five-year period of this Discharge Permit; if a new permit is not issued after five years, the Estimate for the worst-case scenario shall be updated annually each year after five years and any financial assurance shall be adjusted accordingly.</p> <p>The Permittee shall adjust the Estimate for inflation over the five-year period for complete closure and shall project the amount needed for each of the five years for the worst-case scenario for all activities included in complete closure.</p> <p>[Subsection A of 20.6.2.3107]</p>
40.	<p>Within 90 days from the date of NMED's approval of the closure cost estimate (Estimate), the Permittee shall submit to NMED for approval its proposed financial assurance instrument(s) that meets the requirements below.</p> <ul style="list-style-type: none">a) The amount of financial assurance shall be sufficient to cover the cost of implementing complete closure as described in the closure plan and the Estimate required by Conditions 37 and 38 of this Discharge Permit. The Permittee shall not propose any form of self-guarantee. The financial assurance instrument(s) shall ensure that funds will be available to implement complete closure if at any time the Permittee is unable, unwilling, or otherwise fails to implement any portion of the closure plan as required by this Discharge Permit. If the financial assurance instrument(s) entails incremental costs of maintaining the instrument(s), i.e., costs for a trustee, the Permittee shall increase the amount of the financial assurance to include all such costs.b) The Permittee shall name NMED as the sole beneficiary in each financial assurance instrument(s).c) The financial assurance instrument(s) shall include a method for adjustments due to changes in inflation, new technologies, and NMED approved revisions to the closure plan based on continued investigations or other information and shall be adjusted no less frequently than every five years such that, at all times, the amount of financial assurance provided by the Permittee shall be sufficient to perform complete closure at any time during the following five years from the update.

DRAFT: DATE

#	Terms and Conditions
	<p>d) Within 30 days after NMED approves the draft financial assurance instrument(s) the Permittee shall execute the financial assurance instrument and submit it to NMED for final acceptance.</p> <p>e) Within 30 days of the implementation of the financial assurance instrument(s), the Permittee shall establish a trust to receive and disburse funds, which may arise as the result of forfeiture of financial assurance. The trust shall name NMED as the beneficiary. The trust agreement shall be in a form satisfactory to the State Board of Finance and shall be subject to approval by the Governor pursuant to NMSA 1978, § 46-4-1 through 9. The Permittee shall maintain the trust until complete closure has occurred and NMED terminates any existing discharge permit in effect at the time. Upon forfeiture of financial assurance, the forfeited amount shall transfer from the financial assurance instrument into the trust for use by NMED or a third-party for any activities or costs related to complete closure.</p> <p>f) The Permittee may propose alternative financial assurance instrument(s) from time to time subject to NMED's written approval and acceptance. The Permittee shall not replace any approved financial assurance instrument(s) without NMED's written approval.</p> <p>g) Unless released by NMED in writing, the financial assurance instrument(s) shall remain in effect until complete closure and final termination of this Discharge Permit and shall remain in place at all times, including lapses in Discharge Permit coverage, late Discharge Permit renewal, or temporary shutdown of facilities covered under this Discharge Permit.</p> <p>h) Should circumstances warrant more frequent adjustments than provided for in the approved financial assurance instrument(s), NMED may require them in writing and the Permittee shall make the adjustment within 180 days.</p> <p>i) No more frequently than once every 12 months, the Permittee may request that NMED review remaining activities required for complete closure, including alternate closure activities that NMED has approved. The Permittee's request for review shall describe the completed activities and shall contain an updated Estimate for all remaining complete closure activities.</p> <p>If NMED approves the Permittee's description of completed activities, the remaining activities of complete closure, and the Estimate for remaining complete closure activities, NMED will notify the Permittee of appropriate adjustments that the Permittee may make to the amount of financial assurance.</p> <p>When the WQCC revises the financial assurance regulations and those regulations become effective, the Permittee shall evaluate and, if necessary, revise the financial assurance instrument to comply with the revised WQCC regulations.</p>

DRAFT: DATE

#	Terms and Conditions
	[Subsection A of 20.6.2.3107]
41.	<p data-bbox="289 415 1432 489">The Permittee shall adhere to the following stipulations for cancellation, non-renewal, forfeiture, or release of the financial assurance instrument(s).</p> <p data-bbox="342 533 1432 953">a) Cancellation or Non-renewal: Each financial assurance instrument shall require the financial assurance provider to give at least 120 days written notice to NMED and the Permittee prior to cancellation or non-renewal of the financial assurance instrument. If NMED receives notice of cancellation or non-renewal from a financial assurance provider, the Permittee shall propose an alternate financial assurance mechanism to NMED within 30 days of the notice. If NMED approves the alternate financial assurance mechanism, the Permittee shall execute it and submit it to NMED for final acceptance within 30 days of NMED approval. If the Permittee fails to obtain alternate financial assurance acceptable to NMED within 30 days of NMED approval, the current financial assurance shall be subject to forfeiture.</p> <p data-bbox="342 997 1432 1186">b) Forfeiture: If NMED determines that implementation of all or any part of complete closure is required and that the Permittee is unable or unwilling or will otherwise fail to conduct all or any part of complete closure as required by this Discharge Permit, then NMED may proceed with forfeiture of all or part of the financial assurance.</p> <p data-bbox="391 1230 1432 1535">Prior to beginning a forfeiture proceeding, NMED will provide written notice by certified mail to the Permittee and to all financial assurance providers, if applicable. NMED's notice will inform the parties of the determination to forfeit all or a portion of the financial assurance. If NMED's access to the financial assurance is threatened due to time constraints, NMED may begin a forfeiture proceeding and provide written notice contemporaneously with that proceeding. NMED's written notice will state the reasons for the forfeiture and the forfeited amount.</p> <p data-bbox="391 1579 1432 1883">The forfeited amount shall be based on the total cost of performing complete closure in accordance with this Discharge Permit and all applicable laws and regulations. NMED will also advise the Permittee and all financial assurance providers, if applicable, of the conditions under which forfeiture may be avoided. Such conditions may include an agreement that the Permittee, a financial assurance provider, or an NMED-approved third party, will perform complete closure in accordance with this Discharge Permit and all applicable laws and regulations, and the entity has demonstrated it has the financial ability and</p>

DRAFT: DATE

#	Terms and Conditions
	<p>technical qualifications to do so.</p> <p>All financial assurance forfeited shall become immediately payable to the trust or as otherwise provided in the NMED-approved instrument. NMED or a third-party will use forfeited funds to perform complete closure. If the forfeited amount is insufficient, the Permittee shall be liable for the remaining costs. If the amount forfeited is more than necessary to complete closure, NMED will refund the excess amount to the entity from whom it was collected.</p> <p>c) Release: NMED will release or modify the financial assurance instrument when NMED determines that all activities of complete closure have been performed according to the closure plan requirements of this Discharge Permit and the Discharge Permit has been terminated.</p> <p>[Subsection A of 20.6.2.3107]</p>

Permanent Facility Closure Conditions

#	Terms and Conditions
42.	<p>In the event that the Facility permanently closes, the Permittee shall perform the following closure measures:</p> <ul style="list-style-type: none"> a) The Permittee shall notify NMED when Permittee no longer accepts hydrocarbon contaminated soil. b) The Permittee shall submit a schedule for closure actions. c) The Permittee shall empty and remove the storage tanks from the facility. The Permittee shall evaporate hydrocarbon-contaminated water from the tanks or distribute the water on the disposal cells as authorized by this Discharge Permit. The Permittee shall remove solids from the tanks and remediate the tank bottoms at the Facility in accordance with the requirements of this Discharge Permit, or otherwise dispose of the tank bottoms in accordance with all local, state, and federal regulations. d) The Permittee shall demonstrate that all soils in the remediation cells and berms do not exceed the residential soil screening levels in <i>NMED's Risk Assessment Guidance for Investigations and Remediation</i> (February 2019) for the following constituents:

DRAFT: DATE

#	Terms and Conditions																												
	<table> <tr> <th>Constituents</th><th>Levels (mg/kg)</th></tr> <tr> <td>TPH using EPA SW-846 method 8015</td><td>1000</td></tr> <tr> <td>Benzene using EPA SW-846 methods 8021 or 8260</td><td>17.8</td></tr> <tr> <td>Toluene using EPA SW-846 methods 8021 or 8260</td><td>5,230</td></tr> <tr> <td>Ethylbenzene using EPA SW-846 methods 8021 or 8260</td><td>75.1</td></tr> <tr> <td>Xylenes using EPA SW-846 methods 8021 or 8260</td><td>871</td></tr> <tr> <td>Arsenic</td><td>7.1</td></tr> <tr> <td>Barium</td><td>15,558</td></tr> <tr> <td>Cadmium</td><td>85,881</td></tr> <tr> <td>Chromium III</td><td>117,321</td></tr> <tr> <td>Lead (tetraethyl-)</td><td>0.006</td></tr> <tr> <td>Mercury (elemental)</td><td>23.8</td></tr> <tr> <td>Selenium</td><td>391</td></tr> <tr> <td>Silver</td><td>391</td></tr> </table> <p>The Permittee shall submit a copy of the laboratory analytical results and a map outlining the sampling locations to NMED. If the soil exceeds an inorganic constituent screening level, the Permittee shall propose a corrective action for NMED's approval.</p> <p>e) The Permittee shall continue operating and monitoring until the Permittee remediates all soils to the standards required by this Discharge Permit.</p> <p>f) Upon determination by NMED that remediation of all soils is complete, the Permittee shall backfill the cells with clean fill (as necessary) and re-grade to allow for positive stormwater drainage.</p> <p>g) The Permittee shall re-vegetate the cells by establishing a vegetation cover equal to 70% of the native perennial vegetative cover consisting of at least three native plant species including at least one grass, but not including noxious weeds. The Permittee shall maintain the vegetative cover through two consecutive growing seasons.</p> <p>h) The Permittee shall continue groundwater monitoring as required by this Discharge Permit for two years after closure to confirm the absence of groundwater contamination. If monitoring results show that the Permittee is violating the groundwater standards in Section 20.6.2.3103 NMAC, the Permittee shall implement the contingency plan required by this Discharge Permit.</p>	Constituents	Levels (mg/kg)	TPH using EPA SW-846 method 8015	1000	Benzene using EPA SW-846 methods 8021 or 8260	17.8	Toluene using EPA SW-846 methods 8021 or 8260	5,230	Ethylbenzene using EPA SW-846 methods 8021 or 8260	75.1	Xylenes using EPA SW-846 methods 8021 or 8260	871	Arsenic	7.1	Barium	15,558	Cadmium	85,881	Chromium III	117,321	Lead (tetraethyl-)	0.006	Mercury (elemental)	23.8	Selenium	391	Silver	391
Constituents	Levels (mg/kg)																												
TPH using EPA SW-846 method 8015	1000																												
Benzene using EPA SW-846 methods 8021 or 8260	17.8																												
Toluene using EPA SW-846 methods 8021 or 8260	5,230																												
Ethylbenzene using EPA SW-846 methods 8021 or 8260	75.1																												
Xylenes using EPA SW-846 methods 8021 or 8260	871																												
Arsenic	7.1																												
Barium	15,558																												
Cadmium	85,881																												
Chromium III	117,321																												
Lead (tetraethyl-)	0.006																												
Mercury (elemental)	23.8																												
Selenium	391																												
Silver	391																												

DRAFT: DATE

#	Terms and Conditions
	<p>i) Following notification from NMED that post-closure monitoring may cease, the Permittee shall plug and abandon the monitoring wells in accordance with the attached <i>Monitoring Well Guidance</i>.</p> <p>When the Permittee has met all closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee shall submit a written request to NMED which includes date-stamped photographic evidence for termination of the Discharge Permit.</p> <p>[20.6.2.3109 NMAC, 20.6.2.3107. NMAC]</p>

E. GENERAL TERMS AND CONDITIONS

#	Terms and Conditions
43.	<p>RECORD KEEPING - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"> • Information and data used to complete the application for this Discharge Permit; • Information, data, and documents demonstrating completion of closure activities; • Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC; • The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; • Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer; • Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit; • The volume of wastewater or other wastes discharged pursuant to this Discharge Permit; • Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit; • Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit; • The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and • Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including: <ul style="list-style-type: none"> ○ the dates, location and times of sampling or field measurements;

DRAFT: DATE

#	Terms and Conditions
	<ul style="list-style-type: none"> ○ the name and job title of the individuals who performed each sample collection or field measurement; ○ the sample analysis date of each sample ○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; ○ the analytical technique or method used to analyze each sample or collect each field measurement; ○ the results of each analysis or field measurement, including raw data; ○ the results of any split, spiked, duplicate or repeat sample; and ○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for the lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
44.	<p>SUBMITTALS – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The Permittee shall submit paper and electronic documents to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
45.	<p>INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p>

DRAFT: DATE

#	Terms and Conditions
	[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]
46.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
47.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p> <p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
48.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
49.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000</p>

DRAFT: DATE

#	Terms and Conditions
	<p>per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
50.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> • Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA; • Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or • Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation. <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
51.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
52.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the</p>

DRAFT: DATE

#	Terms and Conditions
	<p>receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
53.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"> • Notify the proposed transferee in writing of the existence of this Discharge Permit; • Include a copy of this Discharge Permit with the notice; and • Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification. <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
54.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>